

Education Act

CHAPTER 68

EDUCATION ACT

[5th July, 1982]

Act 15 of 1982

Act 17 of 1982

Act 12 of 1990

ARRANGEMENT OF SECTIONS

Section

PART I - PRELIMINARY

1. Short title
2. Interpretation
3. Exemption

PART II - EDUCATIONAL POLICY AND ADMINISTRATION

4. Government policy
5. Responsibility of Minister
6. Educational zones

PART III - THE EDUCATIONAL SYSTEM

7. Establishment of schools etc
8. Admittance of non-Seychellois to schools.
9. Compulsory education
10. Private schools

PART IV - INSPECTION OF SCHOOLS ETC.

11. Power of inspection
12. Obstruction etc
13. False etc information

PART V - MISCELLANEOUS

14. Unlawful conduct of school
 15. Regulations etc.
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Cap. 146
Youth Service Act; or

(i) the National Youth Service established under the National

(ii) a private school registered under section 10.

Exemption 3. The Minister may, by order published in the Gazette, exempt a school from the whole of or any provision of this Act.

PART II. - EDUCATIONAL POLICY AND ADMINISTRATION

Government 4.(1) It is the policy of the Government -
policy

2/12/1990 (a) to ensure that all Seychellois are offered equal educational opportunities in accordance with their abilities, aptitudes and needs;

(b) to ensure that no Seychellois is prejudiced in his or her education by reason of his or her sex, colour or creed;

(c) to encourage in Seychellois an awareness of national identity and respect for the individual; and

(d) to ensure -

(i) the progressive development of institutions devoted to education;

(ii) the achievement and maintenance in those institutions of the highest educational standards; and

(iii) the provision of a varied and comprehensive educational service.

(2) For the purpose of implementing Government policy referred to in subsection (1) there shall, subject to this Act, be compulsory education for every Seychellois child from the entry age until the child completes S4 or reaches the age of 17 years, whichever occurs first.

Responsibility 5.(1) The Minister is responsible for carrying out the
for Minister Government policy.

2/12/1990

(2) The Minister may give to the Principal Secretary general directions, not inconsistent with this Act, with respect to -

- (a) the carrying out of the Government policy; or
- (b) the administration of the educational system.

(3) The Minister may establish codes of conduct in respect of any matter for the purposes of implementing Government policy and, subject to this Act, the codes shall have effect in respect of the matter in respect of which they are established.

Educational zones 6. For the purpose of the organisation of the educational system the Minister may, by order published in the Gazette,-

- (a) establish one or more educational zones; and
- (b) specify a school for the purpose of such a zone.

PART III. - THE EDUCATIONAL SYSTEM

Establishment of schools etc. 7.(1) The Minister may establish and maintain -

- (a) such schools or other educational institutions or classes as he considers necessary or desirable for the provision of education in Seychelles; and
- (b) residential or recreational facilities for those attending those schools, institutions or classes.

(2) In furtherance of Government policy the Minister may-

- (a) pay a scholarship, bursary or allowance; or
- (b) provide assistance, to a pupil at school.

(3) If the Minister considers it necessary or expedient to do so, he may close or change the site of any school, institution, class or facility established under subsection (1).

Admittance of non-Seychellois to schools 8. A person who is not a Seychellois shall not be admitted as a pupil at a school without the authority of the Minister.

Compulsory 9.(1) Notwithstanding anything in the Civil Code, the Minister

education may, by order published in the Gazette, make provision with
2/12/1990 respect to the compulsory attendance of children at school.

Cap. 33

(2) An order under subsection (1) -

- (a) shall specify the category of children to which it applies;
- (b) may be of general application or apply only to such educational zones as are specified in the order;
- (c) may require attendance at a specified school of children in the specified category;
- (d) may make special provision with respect to exceptional or handicapped children;
- (e) shall not operate to require attendance at a school of -
 - (i) an expatriate child; or
 - (ii) a child aged 17 years or over; and
- (f) may be made subject to such exceptions, limitations or conditions as are stated in the order.

(3) Where a child fails or neglects to attend regularly at school or at a private school in accordance with an order under subsection (1) or a decision of the Minister under subsection (5) which applies to him, each of his parents is guilty of an offence, and is liable to a fine of R. 1000 and to imprisonment for 3 months, or to such greater amount and period as is prescribed in the relevant order.

(4) It is a sufficient defence in a prosecution for an offence under subsection (3) if the accused person proves that there was good cause for the failure or neglect of the child concerned to attend regularly at school.

(5) The Minister may, in any particular case where the Minister considers that there are special reasons for doing so -

- (a) exempt in writing a child from all or any of the requirements of an order made under subsection (1); or
- (b) require in writing a child to attend a school other than the school specified for the educational zone in which the child resides,

on such conditions as the Minister thinks fit.

(6) A decision of the Minister under subsection (5) shall be final and no court shall have jurisdiction to pronounce on the validity or legality of the exemption or requirement or conditions attached to such exemption or requirement.

Private school **10.**(1) Any person may, on application made to the Minister

2/12/1990 and subject to such conditions as the Minister may impose,

2/5/1992 register a private school.

(2) An application under subsection (1) shall contain particulars relating to the accommodation, facilities and the academic staff of the school in respect of which the application is made and shall be accompanied by a prescribed registration fee.

(3) The Minister shall not refuse to register a private school under subsection (1) unless he is satisfied that, having regard to all the circumstances, the school will not provide a satisfactory education for children.

(4) Conditions imposed under subsection (1) shall not be more onerous or less favourable than those applicable to a school established under section 7.

(5) Subject to subsection (4), the Minister may at any time, upon reasonable notice, vary any conditions imposed under subsection (1) or impose new conditions.

(6) The Minister may, if he is satisfied that any condition imposed under subsection (1) or varied or imposed under subsection (5) is not complied with by any private school in respect of which the condition was imposed or varied or that the private school is being conducted in a manner detrimental to the preservation of law and order or to the physical, mental or moral welfare of the children of the school or in a manner which undermines the policy of the Government referred to in section 4(1) or the implementation of the policy, direct that the private school shall be closed.

(7) Any person who fails to comply with a direction under subsection (6) is guilty of an offence and is liable on conviction to imprisonment for 1 year and to a fine of R1000.

(8) Where a private school is closed in compliance with a direction under subsection (6), any child attending the school on the date of closure of the school shall, subject to the Act, be eligible for admission to a school specified for the educational zone in which any one of his parents resides.

(9) In any proceedings for an offence under the Act -

(a) a certificate issued by the Principal Secretary of the Ministry responsible for Education and certifying that a private school is or is not registered under the Act shall be prima facie evidence of that fact;

(b) the evidential burden of proving that a private school is registered under this Act shall be on the person who claims that it is so registered.

(10) Any private school registered as a private school on the date of commencement of this Act shall be deemed to be a private school registered under this section and the provisions of subsections (5), (6), (7), (8) and (9) shall apply to such school.

PART IV. - INSPECTION OF SCHOOLS ETC.

Power of **11.** The Principal Secretary or any other person authorised by

inspection him may at any time enter and inspect -

(a) any school or private school; or

(b) any institution or premises used for education or in respect of which he has reasonable grounds for believing that an offence under this Act is being or has been committed.

Obstruction **12.**(1) No person shall prevent, hinder or obstruct a person

etc. acting under section 11.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable to imprisonment for 6 months and to a fine of R.1000.

False etc. **13.** A person who, in respect of any matter falling within the

information scope of this Act, -

(a) wilfully makes a statement which he knows to be false; or

(b) recklessly makes a statement which is false in a material particular,

is guilty of an offence and is liable to imprisonment for 6 months and a fine R.1000.

PART V. - MISCELLANEOUS

Unlawful **14.** A person who conducts or takes part in the conduct of a

conduct of school, unless it is -

school

(a) a school established or maintained under section 7;

(b) a school which is exempt from the whole of this Act under section 3; or

(c) registered under section 10 as a private school,

is guilty of an offence and is liable to imprisonment for 1 year and to a fine of R.5000.

Regulations **15.(1)** The Minister may make regulations for the better

etc. carrying out of the objects and purposes of this Act, including,

2/12/1990 without prejudice to this generality, -

2/5/1992

(a) any matter concerning the enrolment, classification, dress, education including curriculum, control or punishment, including expulsion, of pupils in or from schools, facilities, institutions or private schools;

(b) defining the entry age for compulsory education;

(c) the construction of and the accommodation provided in schools, facilities or private schools, and their equipment, maintenance and management;

(d) any matter concerning the employment, training, certification, or conduct of teachers;

(e) prescribing fees or charges -

(i) for registration of a private school; or

(ii) for the attendance of expatriate children at a school;

(f) the payment of scholarships, bursaries or allowances or the provision of assistance to specified categories of pupils at schools;

(g) with the consent of the Minister responsible for health, the safeguarding of the health of pupils or students at schools and private schools, and in particular -

(i) the entry to and inspection of at all reasonable times by a Government medical officer or other medical practitioners any school, private school or residential premises;

(ii) the closing of any school or residential premises on the grounds of health;

(iii) the compulsory medical and dental examination of those pupils or students;

(iv) the furnishing by the parents of those pupils or students of information and evidence relating to the pupils' or students' health;

(v) the exclusion of a pupil or student from a school or private school on grounds of health;

(vi) the supply of meals and other refreshment to those pupils or students.

(h) any matter concerning school holidays.

(2) The Minister may make a direction prohibiting the use in a school or private school of a book or material which in his opinion is unsuitable and any person who contravenes such a direction is guilty of an offence and is liable to imprisonment for 1 year and a fine of R.1000.
